

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

SHANE TYLER LANCOUR,

Plaintiff,

ORDER

13-cv-780-wmc

LA CROSSE COUNTY SHERIFF
DEPARTMENT, *et al.*,

Defendants.

Plaintiff Shane Lancour, an inmate at the La Crosse County Jail in La Crosse, Wisconsin, has filed a proposed civil action under 42 U.S.C. § 1983, in which he alleges that he is receiving improper medical care at the jail for treatment of Hepatitis C, that the state court judge is biased against him, and his legal counsel inadequate. With the exception of habeas corpus proceedings, the fee for civil actions filed after May 1, 2013 is \$400 unless a litigant qualifies as indigent under the federal *in forma pauperis* statute, 28 U.S.C. § 1915, in which case the fee is \$350. Plaintiff has submitted a motion for leave to proceed *in forma pauperis*. (Dkt. #2). He has also submitted a letter stating that he has a negative balance in his inmate account.

To determine whether a prisoner qualifies as indigent, his motion for leave to proceed *in forma pauperis* must include a certified copy of his inmate trust fund account statement (or institutional equivalent) for the six-month period immediately preceding the date of his complaint. 28 U.S.C. § 1915(a)(2). Plaintiff has failed to satisfy this requirement.

To the extent that plaintiff wishes to proceed *in forma pauperis*, he must comply with the Prisoner Litigation Reform Act (PLRA), 28 U.S.C. § 1915(b), which requires indigent inmates to pay by installment the entire filing fee for civil actions and appeals. The federal *in forma*

pauperis statute does not permit a court to waive a prisoner's entire obligation to pay filing fees, but it does allow a qualifying individual to proceed without prepaying some or all of the filing fee. Until plaintiff pays the \$400 filing fee or provides documentation in support of his request for indigent status, the court will take no further action in this case. Accordingly, plaintiff must either pay the \$400 filing fee or submit a copy of his trust fund account statement no later than December 3, 2013.

ORDER

IT IS ORDERED that:

1. No later than December 3, 2013, plaintiff Shane T. Lancour shall pay the \$400 filing fee or submit a certified copy of his trust fund account statement for the six-month period from the date of the complaint (November 3, 2013 through at least May 3, 2013).
2. **Plaintiff is advised that, if he fails to comply as directed or show cause of his failure to do so, the court will assume that he does not wish to proceed and this case will be dismissed without further notice pursuant to Fed. R. Civ. P. 41(a).**

Entered this 8th day of November, 2013.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge